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10/682,514	10/08/2003	Joel L. Wittenberg	4906P148	2947
8791 7590 06/02/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER O'CONNOR, BRIAN T				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/682,514

**Applicant(s)**

WITTENBERG ET AL.

**Examiner**

Brian O'Connor

**Art Unit**

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. This office action is in response to applicant's amendment filed on 03/27/2009.
2. Claims 1-20 are currently pending.
3. Due to applicant's amendment to the specification the 35 USC 101 rejection of claims 8-14 is withdrawn.

***Claim Objections***

4. Claim 15 is objected to because of the following informalities: claim 15 recites "a control engine" on line 2 and line 9. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 2, 6, 9, 11, and 13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**With respect to claim 2**, "the one or more routing policies" is recited on line 3 however there is insufficient antecedent basis for this limitation in claim 2 or claim 1.

**With respect to claim 6**, "the original routing policies" is recited on line 4 however there is insufficient antecedent basis for this limitation in claim 6 or claim 1.

**With respect to claim 9**, "the one or more routing policies" is recited on line 4 however there is insufficient antecedent basis for this limitation in claim 9 or claim 8.

**With respect to claim 11**, "the one or more routing policies" is recited on lines 2-3 however there is insufficient antecedent basis for this limitation in claim 11, claim 10, or claim 8.

**With respect to claim 13**, "the original routing policies" is recited on line 5 however there is insufficient antecedent basis for this limitation in claim 13 or claim 8.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 2, 5, 6, 8, 9, 12, 13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama et al. (US 7,437,413; hereafter Okuyama) in view of Salzfass et al. (US 2002/0042815; hereafter Salzfass).

**With respect to claim 1**, Okuyama discloses a method (title: "TEXT MESSAGING SYSTEM AND METHOD") in a single network element (1 of Figure 1; column 9, lines 22-32), the method comprising:

receiving, at the network element (1 of Figure 1), a packet (S61 of Figure 13; column 13, lines 60-65; where the text message is build with packets send over a mobile communication network; see column 9, lines 14-16) from a remote client (5A,

Mobile A of Figure 1), the packet being addressed to a destination (5B, Mobile B of Figure 1);

examining the packet (column 14, lines 8-12; where the server looks at the text message or packet for identification information), based on one or more policies associated with the packet (S65, S66, S70, S74 of Figure 13; column 14, lines 24-65; where the policy is to send the message to a PC client if the PC client is on-line or send the message to a mobile phone if the PC client is off-line), to determine whether the packet should be redirected to another destination (3 of Figure 1);

forwarding the packet (S67, S69 of Figure 13; column 14, lines 44-53), via a logical interface (10 of Figure 1), to a redirect facility (6 of Figure 1) within the network element if the packet should be redirected to another destination (3 of Figure 1).

Okuyama also discloses sending a notification back to the sender when the message has been forwarded to a PC client or mobile phone (S72, S73 of Figure 13).

Okuyama does not disclose forwarding a return packet from a redirect facility to a remote client, a return packet including a redirect address associated with another destination.

Salzfass, in an invention related to forwarding messages (title, Abstract), discloses forwarding a return packet (330, 370 of Figure 3; page 6, paragraph [0067]) from a redirect facility (170 of Figure 2) to a remote client (12 of Figure 2), a return packet including a redirect address (340, 350 of Figure 3; page 6, paragraph [0067]) associated with another destination (19 of Figure 2).

Salzfass teaches the benefit of a proactive address update for message sender in cases where the destination's email has changed (page 2, paragraph [0011]). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Salzfass with the method of Okuyama.

**With respect to claim 2**, Okuyama further discloses routing the packet, via a physical interface (14 of Figure 1), to a destination (5B of Figure 1) indicated by a destination address within the packet (S65, S66, S70, S74 of Figure 13; column 14, lines 24-65; where the policy is to send the message to a PC client is the PC client is on-line or send the message to a mobile phone if the PC client is off-line) or based on the one or more routing policies, if the packet is determined not to be redirected to another destination (3 of Figure 1).

**With respect to claim 5**, Okuyama further discloses the text message may also be sent via IRC to the destination (column 14, lines 10-12; viewed as another policy configuration). Okuyama does not specifically disclose using an API to configure routing rules or policies.

Office Notice is taken that both the practice and benefit of using APIs to implement a process is well known and expected in the art. It would have been obvious to use APIs to update and configure the rules of Okuyama as the use of APIs is known to provide improved and easier-to-use code and software interfaces.

**With respect to claim 6**, Okuyama further discloses, in another embodiment, determining whether one or more replacement routing policies exist for the context associated with the packet (column 19, lines 45-50; where the text message is analyzed by a server [30 of Figure 19]); and replacing the original routing policies with the replacement routing policies for subsequent accesses, if the replacement routing policies exist (column 19, lines 58-62).

**With respect to claim 8**, Okuyama discloses a machine-readable storage article of manufacture medium (column 7, lines 9-14; column 7, lines 25-30) having executable code to cause a machine to perform a method in a single network element (1 of Figure 1; column 9, lines 22-32), the method comprising:

receiving, at the network element (1 of Figure 1), a packet (S61 of Figure 13; column 13, lines 60-65; where the text message is build with packets send over a mobile communication network; see column 9, lines 14-16) from a remote client, the packet being addressed to a destination (5B, Mobile B of Figure 1);

examining the packet (column 14, lines 8-12; where the server looks at the text message or packet for identification information), based on one or more policies associated with the packet (S65, S66, S70, S74 of Figure 13; column 14, lines 24-65; where the policy is to send the message to a PC client is the PC client is on-line or send the message to a mobile phone if the PC client is off-line), to determine whether the packet should be redirected to another destination (3 of Figure 1);

forwarding the packet, via a logical interface (10 of Figure 1), to a redirect facility (6 of Figure 1) within the network element if the packet should be redirected to another destination (3 of Figure 1).

Okuyama also discloses sending a notification back to the sender when the message has been forwarded to a PC client or mobile phone (S72, S73 of Figure 13).

Okuyama does not disclose forwarding a return packet from a redirect facility to a remote client, the return packet including a redirect address associated with another destination.

Salzfass, in an invention related to forwarding messages (title, Abstract), discloses forwarding a return packet (330, 370 of Figure 3; page 6, paragraph [0067]) from a redirect facility (170 of Figure 2) to a remote client (12 of Figure 2), a return packet including a redirect address (340, 350 of Figure 3; page 6, paragraph [0067]) associated with another destination (19 of Figure 2).

Salzfass teaches the benefit of a proactive address update for message sender in cases where the destination's email has changed (page 2, paragraph [0011]). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Salzfass with the method of Okuyama.

**With respect to claim 9**, Okuyama further discloses routing the packet, via a physical interface (14 of Figure 1), to a destination (5B of Figure 1) indicated by a destination address within the packet (S65, S66, S70, S74 of Figure 13; column 14, lines 24-65; where the policy is to send the message to a PC client is the PC client is



on-line or send the message to a mobile phone if the PC client is off-line) or based on the one or more routing policies, if the packet is determined not to be redirected to another destination (3 of Figure 1).

**With respect to claim 12**, Okuyama further discloses the text message may also be sent via IRC to the destination (column 14, lines 10-12; viewed as another policy configuration). Okuyama does not specifically disclose using an API to configure routing rules or policies.

Office Notice is taken that both the practice and benefit of using APIs to implement a process is well known and expected in the art. It would have been obvious to use APIs to update and configure the rules of Okuyama as the use of APIs is known to provide improved and easier-to-use code and software interfaces.

**With respect to claim 13**, Okuyama further discloses, in another embodiment, determining whether one or more replacement routing policies exist for the context associated with the packet (column 19, lines 45-50; where the text message is analyzed by a server [30 of Figure 19]); and replacing the original routing policies with the replacement routing policies for subsequent accesses, if the replacement routing policies exist (column 19, lines 58-62).

**With respect to claim 15**, Okuyama discloses a single network element (1 of Figure 1; column 9, lines 22-32), comprising:

a forwarding engine (10 of Figure 1) coupled to a control engine (6 of Figure 1), the forwarding engine configured to:

receive a packet (S61 of Figure 13; column 13, lines 60-65; where the text message is build with packets send over a mobile communication network; see column 9, lines 14-16) from a remote client (5A of Figure 1);

examine the received packet (column 14, lines 8-12; where the server looks at the text message or packet for identification information) based on one or more routing policies (S65, S66, S70, S74 of Figure 13; column 14, lines 24-65; where the policy is to send the message to a PC client is the PC client is on-line or send the message to a mobile phone if the PC client is off-line) to determine whether the packet should be redirected to a redirect destination (3 of Figure 1); and

forward the packet to a redirect unit (Interface from 6 of Figure 1 to 21 of Figure 1) in the control engine (6 of Figure 1) for redirect processes if the packet should be redirected to the redirect unit.

Okuyama also discloses sending a notification back to the sender when the message has been forwarded to a PC client or mobile phone (S72, S73 of Figure 13).

Okuyama does not disclose a control engine to forward a return packet with a redirect address corresponding to the redirect destination embedded therein from the redirect unit to the remote client so that the remote client can access the redirect destination based on the redirect address.

Salzfass discloses a control engine (170 of Figure 2) to forward a return packet (330, 370 of Figure 3; page 6, paragraph **[0067]**) with a redirect address corresponding

to the redirect destination (19 of Figure 2) embedded therein from the redirect unit to the remote client (12 of Figure 2) so that the remote client can access the redirect destination based on the redirect address (340, 350 of Figure 3; page 6, paragraph [0067]).

Salzfass teaches the benefit of a proactive address update for message sender in cases where the destination's email has changed (page 2, paragraph [0011]). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Salzfass with the method of Okuyama.

**With respect to claim 16**, Okuyama further discloses a storage unit (12, 9 of Figure 1) to store the one or more routing policies.

**With respect to claim 17**, Okuyama further discloses the storage unit (12, 9 of Figure 1) and , in another embodiment, determining whether one or more replacement routing policies exist for the context associated with the packet (column 19, lines 45-50; where the text message is analyzed by a server [30 of Figure 19]); and replacing the original routing policies with the replacement routing policies for subsequent accesses, if the replacement routing policies exist (column 19, lines 58-62).

**With respect to claim 18**, Okuyama further discloses the text message may also be sent via IRC to the destination (column 14, lines 10-12; viewed as another policy configuration). Okuyama does not specifically disclose using an API to configure routing rules or policies.

Office Notice is taken that both the practice and benefit of using APIs to implement a process is well known and expected in the art. It would have been obvious to use APIs to update and configure the rules of Okuyama as the use of APIs is known to provide improved and easier-to-use code and software interfaces.

9. Claims 3, 4, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama in view of Salzfass and further in view of Bushkin (US 2003/0135548).

**With respect to claim 3**, Okuyama does not disclose creating a redirect message to display on the remote client. Okuyama discloses a timeout value in the rules table (Timer ID of Figure 3; S94, S100, S300 of Figure 15; column 16, lines 1-10).

Bushkin, in an invention related to redirecting web pages, discloses displaying an error web screen on the client machine (Figure 1, Figure 2) when the original web page is not available. One of ordinary skill in the art would realize the use of this technique when a redirection server changes the received packet's address.

One of ordinary skill in the art would realize the benefit of improved user interfaces by showing the client a redirecting page notification before moving to the redirected page. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the technique of Bushkin with the method of Okuyama.

**With respect to claim 4**, Okuyama further discloses that a timeout value is included with the text message routing rules (column 16, lines 1-10).

**With respect to claim 10**, Okuyama does not disclose creating a redirect message to display on the remote client. Okuyama discloses a timeout value in the rules table (Timer ID of Figure 3; S94, S100, S300 of Figure 15; column 16, lines 1-10).

Bushkin, in an invention related to redirecting web pages, discloses displaying an error web screen on the client machine (Figure 1, Figure 2) when the original web page is not available. One of ordinary skill in the art would realize the use of this technique when a redirection server changes the received packet's address.

One of ordinary skill in the art would realize the benefit of improved user interfaces by showing the client a redirecting page notification before moving to the redirected page. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the technique of Bushkin with the method of Okuyama.

**With respect to claim 11**, Okuyama further discloses that a timeout value is included with the text message routing rules (column 16, lines 1-10).

10. Claims 7, 14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama in view of Salzfass and further in view of Watanabe (US 7,225,269).

**With respect to claim 7**, Okuyama does not disclose that a URL, which is recognized as indication of an HTTP packet, is used to determine if a packet is to be transferred.

Watanabe discloses that a URL, which is recognized as indication of an HTTP packet, is used to determine if a packet is to be transferred (column 5, lines 43-53).

Watanabe's method has the benefit of increased flexibility in administrating message transfers and provides for a more distributed load over a server (column 2, lines 8-12). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Watanabe with the method of Okuyama.

**With respect to claim 14**, Okuyama does not disclose that a URL, which is recognized as indication of an HTTP packet, is used to determine if a packet is to be transferred.

Watanabe discloses that a URL, which is recognized as indication of an HTTP packet, is used to determine if a packet is to be transferred (column 5, lines 43-53).

Watanabe's method has the benefit of increased flexibility in administrating message transfers and provides for a more distributed load over a server (column 2, lines 8-12). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Watanabe with the method of Okuyama.

**With respect to claim 19**, Okuyama does not disclose the use of ports for forwarding packets.

Watanabe further discloses that the routing table includes destination ports for determining forwarding or deletion of received packets ("Range of Destination Port Number" of Figure 9).

Watanabe's method has the benefit of increased flexibility in administrating message transfers and provides for a more distributed load over a server (column 2, lines 8-12). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Watanabe with the method of Okuyama.

**With respect to claim 20**, Okuyama does not disclose that a URL, which is recognized as indication of an HTTP packet, is used to determine if a packet is to be transferred.

Watanabe discloses that a URL, which is recognized as indication of an HTTP packet, is used to determine if a packet is to be transferred (column 5, lines 43-53).

Watanabe's method has the benefit of increased flexibility in administrating message transfers and provides for a more distributed load over a server (column 2, lines 8-12). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of Watanabe with the method of Okuyama.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian O'Connor whose telephone number is (571)270-1081. The examiner can normally be reached on M-F, 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571-272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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May 28, 2009  
Patent Examiner

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